

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JAMES GRICE, JR., ASHLEY  
GRICE, VANESSA GRICE, STEVEN GRICE, and  
CHRISTINE GRICE, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES GRICE, SR.,

Respondent-Appellant,

and

LEE ANN SNYDER, PETER BALABAN, and  
HARLEY SNYDER,

Respondents.

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In the Matter of JAMES GRICE, JR., ASHLEY  
GRICE, VANESSA GRICE, STEVEN GRICE,  
CHRISTINE GRICE, RYAN SNYDER, VIRGINIA  
SNYDER, and CODY SNYDER, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEE ANN SNYDER,

UNPUBLISHED  
September 8, 2000

No. 221770  
Muskegon Circuit Court  
Family Division  
LC No. 97-025125-NA

No. 222055  
Muskegon Circuit Court  
Family Division  
LC No. 97-025125-NA

Respondent-Appellant,

and

JAMES GRICE, SR., PETER BALABAN, and  
HARLEY SNYDER,

Respondents.

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Before: White, P.J., and Talbot and R.J. Danhof,\* JJ.

PER CURIAM.

In these consolidated appeals, respondent-appellants James Grice, Sr. and Lee Ann Snyder appeal as of right from a family court order terminating their parental rights to the minor children. We affirm.

With respect to respondent Grice, the family court did not clearly err in finding that MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Because only one statutory ground is required in order to terminate parental rights we need not determine whether the family court erred in its findings regarding the other statutory factors. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); *In re Trejo*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 112528, issued 7/5/00), slip op pp 21-22. In addition, the evidence did not establish that termination of Grice's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra*, slip op at 12-14, 27. To the extent Grice challenges the family court's decision to terminate Snyder's parental rights, he does not have standing to do so. See *In re EP*, 234 Mich App 582, 598; 595 NW2d 167 (1999), rev'd on other grounds, *In re Trejo, supra*, slip op at 13 n 10; *In re Marin*, 198 Mich App 560, 566; 499 NW2d 400 (1993). Thus, the family court did not clearly err in terminating Grice's parental rights to the children. MCR 5.974(I); *In re Trejo, supra*, slip op at 17; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

We further conclude that the family court did not clearly err in terminating respondent Snyder's parental rights. The family court's findings demonstrate, at minimum, that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence. Further, the evidence did not establish that termination of Snyder's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra*, slip op at 12-14, 27.

We reject Snyder's claim that the family court abused its discretion by refusing to allow one of her children to testify. *In re Vasquez*, 199 Mich App 44, 50-51; 501 NW2d 231 (1993). The court acted appropriately in accepting respondent's offer of proof with regard to the proposed testimony after determining that the testimony was not more probative than prejudicial given that subjecting the child to cross-examination was not in her best interest. See MCR 5.974(F)(2); *In re Brock*, 442 Mich 101,

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

115; 499 NW2d 752 (1993) (a child's welfare is primary in child protective proceedings). Further, the child's desire to be reunited with her mother was made clear throughout the proceedings and was understood by the court.

Finally, Snyder contends for the first time on appeal that reversal is required because one of petitioner's attorneys represented her in connection with a prior petition. We disagree. The attorney represented Snyder at a dispositional review hearing in March 1994 based on a petition filed in 1992, and later represented petitioner at a permanency planning hearing in 1998 in connection with the 1997 petition underlying this appeal. The attorney did not participate in the termination hearing itself, there is no indication that the attorney's 1994 representation affected the 1999 termination decision, Snyder has not alleged that she shared confidential information with the attorney, and Snyder concedes that "there most likely will not be any proof of actual prejudice." Consequently, even assuming that the attorney's dual representation constituted plain error, Snyder has failed to demonstrate that reversal is required or that she is otherwise entitled to appellate relief. *In re Osborne*, 459 Mich 360, 367, 369; 589 NW2d 763 (1999); *In re Osborne (On Remand, After Remand)*, 237 Mich App 597, 603; 603 NW2d 824 (1999).

Affirmed.

/s/ Helene N. White  
/s/ Michael J. Talbot  
/s/ Robert J. Danhof